

REMARKS

Claims 1-6, 8-13, 15-18 and 20 were rejected under 35 U.S.C. 102(e) as being anticipated by Terry. Applicant respectfully traverses and requests reconsideration.

Applicant would first point out that the Examiner has presented a rejection under Section 102(e). This rejection asserts that Terry anticipates the claimed invention. In order to anticipate, each and every limitation recited in the claim must be taught by Terry. Applicant submits that Terry fails to teach each and every limitation as claimed.

The present invention, as defined by claims 1, 11 and 17, relates to the use of an ACK+data message response in contention mode. Terry teaches the use of an ACK+data message response in contention-free mode. Applicant asserts that there is no teaching in Terry for the use of an ACK+data message response outside of the contention-free mode, such as in contention mode as claimed. The Examiner disagrees.

In support of this point of disagreement, the Examiner states in the Advisory Action that “when implemented, PCF [contention free mode] **takes priority over** DCT [contention mode] in that a contention free period (CFP) 28 is established whereby station A may send its data messages without contending for a time slot.” Applicant does not understand what the “takes priority over” argument is intended to prove. Applicant understands this to be a switch in operation from contention mode to contention free mode. When such a switch occurs, then station A has established control over the medium using contention-free (PCF) techniques and messages are then sent in that contention-free mode. This is different from the claimed invention.

Claim 1 recites “(b) when control of the medium has been established by a first node in the network by said **contention** in step (a).” This limitation is not met by Terry, in the context of the “PCF [contention free mode] **takes priority over** DCT [contention mode]” argument asserted

by the Examiner, because when station A is in PCF for use of a contention free period (CFP) 28 to send a message that station A has NOT established control of the medium “by said contention.” In this context, the “contention” of step (a) from claim 1 is “(a) contending for control of a medium over which data is to be transmitted, by a plurality of nodes in the network.” This contending for control by plural nodes is not at issue when station A in “PCF [contention free mode] **takes priority over** DCT [contention mode]”. The limitations of claim 1 which are preconditions to sending an ACK+data message, namely being in contention mode, simply are not met by the Examiner’s “PCF [contention free mode] **takes priority over** DCT [contention mode]” argument.

In the Examiner’s argument, station B can send an ACK+data response to station A in PCF (contention free mode). But, this does not meet the language of claim 1. Applicant claims “(d) generating, at that second node, a combined data/acknowledgement packet which contains both an *acknowledgement of receipt of the said first data packet* by the said second node and also a second data packet intended for delivery to the said first node from the said second node.” The “first data packet” is that packet which was sent “(b) when control of the medium has been established by a first node in the network by said **contention** in step (a).” So, the “combined data/acknowledgement packet” must be sent in response to a packet sent in **contention mode**. The scenario argued by the Examiner, however, concerns station B sending ACK+data in response to a station A message sent after PCF (**contention free mode**) has been entered. Thus, the ACK+data response message is sent in response to a contention free packet transmission, not a first data packet as claimed which is sent while in contention mode. The limitations of claim 1 which relate specifically to sending an ACK+data message, namely being a response to a contention mode packet transmission, simply are not met by the Examiner’s “PCF [contention free mode] **takes priority over** DCT [contention mode]” argument.

Applicant's arguments are completely consistent with the teachings of Terry. Applicant would further point out that the Examiner's positions are inconsistent with Terry. Importantly, Terry explicitly teaches that the ACK+data response message can only be sent in response to a packet received during contention-free mode. With respect to the issue of whether a ACK+data message can be sent in response to a contention mode message, Terry is perfectly clear that when in contention mode "if the receiving station 54 has a data frame to send, it must contend for a transmit slot as above and *cannot piggyback data onto its ACK frame*" see, paragraph 55.

In the Advisory Action, in support of the continued rejection based on anticipation by Terry, the Examiner discusses a particular embodiment in the context of PCF. This is an embodiment for *contention-free* mode. In this embodiment, a first entity may poll for a second entity. An ACK+data message may be received from the second entity. However, that ACK+data message is clearly sent in contention-free mode in response to a contention-free message (such as a poll). The first entity may respond to the received ACK+data message with its own ACK+data message. However, this message is likewise sent in contention-free mode in response to a contention-free message. No aspect of the embodiment discussed by the Examiner teaches or suggests that the ACK+data message be sent in response to the message sent during contention mode operations. And, as discussed above, Terry Paragraph 55 clearly prohibits ANY use of ACK+data messages in contention mode.

In view of the foregoing, Applicant respectfully submits that the Examiner has failed to prove that Terry teaches each and every limitation of claim 1. There is no proof of anticipation.

A similar argument is presented by Applicant in favor of claims 11 and 17. Claims 11 and 17, in fact, are even more specific concerning the sending of the ACK+data response.

Claim 11 recites "*sending* a second packet by the second node over the medium to the first node *during the contention access granted to the first node*, the second packet comprising

a combined data/acknowledgement packet which contains both an acknowledgement of receipt of the first packet by the second node and also data intended for delivery to the first node.” Claim 17 recites “**communicating** by the second node a second packet over the communications medium over the medium **during the granted contention access**, the second packet comprising *a combined data/acknowledgement packet* which contains both an acknowledgement of receipt of the first packet by the second node and also data intended for delivery to the first node.” Each of these claims clearly requires that the ACK+data message be sent during a granted contention mode access responsive to a contention mode message. Terry, on the other hand, only sends the ACK+data message during contention-free periods and in response to contention-free period messages. There is no anticipation of the claimed invention.

Applicant requests an interview with the Examiner to discuss the Terry reference and how the claimed invention is distinct. The undersigned exchanged voice-mail messages with the Examiner on August 6, 2009 but was unable to reach the Examiner to schedule an interview prior to the filing of this Second Request for Reconsideration.

Applicant submits that the application is now in condition for favorable action and allowance.

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Respectfully submitted,

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